

Appl. No.: 10/582,208
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Supp. Amdt. dated July 7, 2010

REMARKS

The Official Action rejected claims 18, 19 and 20 under 35 U.S.C. §101 for being directed to non-statutory subject matter. Claims 18 and 20 have now been canceled such that the rejection of these claims is moot. Additionally, independent claim 19 has been amended to be more clearly directed to statutory subject matter in that amended independent claim 19 is directed to a computer program product that includes a computer-readable storage medium and program code sections stored thereon. Based upon the amendments to independent claim 19, it is submitted that the rejection of independent claim 19 is overcome. Additionally, new dependent claims 21 and 22 have been added which depend from independent claim 19 and are similarly drawn to statutory subject matter.

The Official Action also rejects claims 1-3 and 7-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2003/0143954 to Richard Dettinger, et al. In addition, the Official Action rejects claims 4-6 under 35 U.S.C. §103(b) as being unpatentable over the Dettinger '954 publication in view of U.S. Patent Application Publication No. US 2002/0154607 to Antti Forstadius, et al. As described below, independent claims 1, 11, 12 and 19 have been amended so as to be further patentably distinct from the cited references, taken either individually or in combination. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the amended sets of claims are respectfully requested.

As now amended, independent claim 1 is directed to a mobile device having at least one wireless communication interface and identification means that are distinct from the wireless communication interface. The wireless communications interface is configured to provide wireless communications with another device. The identification means is configured to obtain configuration information from the other mobile device. The configuration information is, in turn, configured to provide a communication connection with the other mobile device via the wireless communication interface handing over of at least partial control of the mobile device to the other mobile device, or vice versa, based on the configuration information. Independent

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claim 11 is directed to a system that includes the mobile devices described in a comparable manner to that set forth above in conjunction with amended independent claim 1.

Further, independent claim 12 describes a method for providing for interoperability of a mobile device with another mobile device in which configuration information is obtained from the other mobile device by identification means of the mobile device. The method also processes the configuration information and then establishes a communication connection with the other mobile device via the wireless communication interface of the mobile device, that is now defined to be distinct from the identification means. The method also hands over at least partial control over the mobile device to the other mobile device, or vice versa, based upon the configuration information. Independent claim 19 is directed to a computer program product including program codes sections for performing the functions described above in conjunction with amended independent claim 12.

As now set forth by the amended independent claims, configuration information is exchanged via the identification means as the initial step and the configuration information is then used to provide a control handover. This process allows for a fast change of user interface devices and control of one device via the other device following the exchange of the control information. See, for example, page 5, lines 23-36 of the present application.

As to the rejection under 35 U.S.C. §102(e), it is submitted that the independent claims, at least as amended, are patentably distinct from the Dettinger '954 publication for several reasons. The Dettinger '954 patent describes the networking of wireless devices and the exchange of control messages or modifications between the device such that a first device that maintains a scheduling program may work with a second device in order to modify the response of the second device based upon the schedule maintained by the first device. The Dettinger '954 publication fails, however, to teach or suggest a mobile device having identification means as set forth by the claimed invention. Indeed, even if the Office were to allege that the devices of the Dettinger '954 patent must include some means for identifying one another in order to establish the network communications, the Dettinger '954 publication certainly fails to teach or suggest that any such identification means are distinct from the wireless communication interface, as now set forth by the amended independent claims.

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Since the Dettinger '954 publication fails to teach or suggest identification means, the Dettinger '954 publication also fails to teach or suggest identification means for obtaining configuration information from the other mobile device that has been utilized to establish a wireless communication connection, as per the claimed invention. Instead, the Dettinger '954 publication simply mentions at paragraph [0036] that "the wireless device begins by networking with other devices in step 60", but is silent on how the networking with other devices is started or whether any configuration information is already present or received for initiating the communication.

Furthermore, the Dettinger '954 publication does not teach or suggest the handover of at least partial control over the mobile device to another mobile device. While the Dettinger '954 publication may describe the partial control of a second device, e.g., controlling the auditory response to the second device, by the first device utilizing control signals sent to the second device from the first device, this type of control is clearly different from the handover of at least partial control from the mobile device to another mobile device as per the claimed invention. In order to further distinguish the cited references as to the handover of at least partial control, the independent claims have been amended to recite that the handover of at least partial control from the mobile device to another mobile device is based on the configuration information, that is, the configuration information obtained by the identification means. As the Dettinger '954 publication does not disclose the receipt of configuration information by the identification means or otherwise, the Dettinger '954 publication cannot provide handover of at least partial control based on the configuration information, as now set forth by the amended independent claims.

For each of the reasons described above, the independent claims, as amended, as well as the claims which depend therefrom, are not taught or suggested by the Dettinger '954 publication. As such, the rejections of claims 1-3 and 7-20 as being anticipated by the Dettinger '954 publication are overcome.

As to the rejection of claims 4-6 under 35 U.S.C. §103(a), each of these claims is dependent upon amended independent claim 1 and, as a result, are patentably distinct from the Dettinger '954 publication for at least the reasons described above. The secondary reference, that is, the Forstadius '607 publication, is cited for its disclosure of radio frequency identification

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means and is not cited for its disclosure of those recitations described above to be lacking in the Dettinger '954 publication. Thus, even if the Forstadius '607 publication were to be combined with the Dettinger '954 publication, it is submitted that the Forstadius '607 publication does not teach or suggest those recitations that were identified above to be lacking in the Dettinger '954 publication such that the rejection of claims 4-6 is overcome.

Considering the rejection of claims 4-6 under 35 U.S.C. §103(a) in more detail, it is initially submitted that the Dettinger '954 publication and the Forstadius '607 publication cannot properly be combined. In this regard, the Dettinger '954 publication discloses first and second devices networking with one another in order to modify a response of the second device based upon a schedule maintained by the first device. As described above, the Dettinger '954 publication does not disclose any type of identification means for exchanging configuration information or otherwise. As such, there would appear to be no motivation or suggestion in order to combine the Forstadius '607 publication and its disclosure of a radio frequency identification technique to the method of the Dettinger '954 publication such that the resulting combination is improper.

Even if the cited references were to be combined, however, the combination of the references still fails to teach or suggest the claimed invention. In this regard, the Forstadius '607 publication generally discloses a host device in wireless communication with various nodes. The wireless communication is based on identification codes captured from the nodes via a tag reader by the host. In this regard, the identification codes provided by the nodes appear to be similar to access passwords and are not taught or suggested to provide configuration information for controlling a handover. Thus, even if the Forstadius '607 publication were to be combined with the Dettinger '954 publication, the Forstadius '607 publication also fails to teach or suggest identification means for obtaining configuration information from other mobile devices where the configuration information is thereafter utilized to support a handover of at least partial control from the mobile device to the other mobile device based on the configuration information, as recited by the amended independent claims and, by dependency, by dependent claims 4-6. Thus, even if the cited references were to be combined, dependent claims 4-6 are patentably distinct from the Dettinger '954 publication in combination with the Forstadius '607

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publication for at least each of the reasons described above. Thus, the rejection of dependent claims 4-6 is overcome.

In view of the amendments to the claims and the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that were paid in conjunction with the filing of the Amendment dated May 6, 2010. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Guy R. Gosnell/

Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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